

105TH CONGRESS
2D SESSION

H. R. 4392

To amend the San Luis Rey Indian Water Rights Settlement Act, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1998

Mr. CUNNINGHAM (for himself and Mr. PACKARD) introduced the following
bill; which was referred to the Committee on Resources

A BILL

To amend the San Luis Rey Indian Water Rights Settlement
Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS RELATED TO SUPPLEMENTAL**
4 **WATER SUPPLY AND FUNDING.**

5 (a) SUPPLEMENTAL WATER SUPPLY.—Section
6 106(a) of the San Luis Rey Indian Water Rights Settle-
7 ment Act (Public Law 100–675; 102 Stat. 4000) is
8 amended to read as follows:

9 “(a) OBLIGATION TO ARRANGE FOR DEVELOPMENT
10 OF WATER FOR BANDS AND LOCAL ENTITIES.—

1 “(1) To provide a supplemental water supply
2 for the benefit of the Bands and the local entities,
3 subject to the provisions of the settlement agree-
4 ment, the Secretary shall—

5 “(A) arrange for the development of not
6 more than 16,000 acre-feet per year of supple-
7 mental water from public lands within the
8 boundaries of the State of California outside
9 the service area of the Central Valley Project;

10 “(B) obtain not more than 16,000 acre-
11 feet per year either from water conserved by the
12 works authorized in title II, or through contract
13 with the Metropolitan Water District of South-
14 ern California; or

15 “(C) construct that portion of the works
16 authorized in title II that is necessary to con-
17 serve 16,000 acre-feet of water per year, and
18 arrange to deliver such water to the Bands and
19 the local entities by exchange or through con-
20 tract with the Metropolitan Water District of
21 Southern California and other parties with con-
22 veyance facilities.

23 “(2) Except as provided in subsection (d)(3),
24 the right to the 16,000 acre-feet of water per year
25 provided pursuant to paragraph (1) shall be held in

1 perpetuity by the United States in trust for the San
2 Luis Rey Indian Water Authority and shall be sub-
3 ject to the provisions of this title and of the settle-
4 ment agreement governing the use and disposition of
5 supplemental water. The use of such water shall not
6 be subject to the provisions of section 204. Nothing
7 in this section or any other provision of this title
8 shall authorize the construction of any new dams,
9 reservoirs, or surface water storage facilities.”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 106(d) of such Act is amended to read as follows:

12 “(d) COST OF DEVELOPING AND DELIVERING
13 WATER.—

14 “(1) USE OF FEDERAL FUNDS.—There are au-
15 thorized to be appropriated such funds as may be
16 necessary to construct that portion of the works au-
17 thorized in title II that is necessary to conserve
18 16,000 acre-feet of water per year. Neither the costs
19 of delivering supplemental water nor the costs of op-
20 erating, maintaining, and replacing the works nec-
21 essary to conserve 16,000 acre-feet of water per year
22 once those works have been constructed shall be
23 borne by the United States, and no Federal appro-
24 priations are authorized for those purposes.

1 “(2) OPERATION AND MAINTENANCE DETER-
2 MINATION.—The Secretary shall determine the im-
3 pact of the works constructed pursuant to subsection
4 (a)(1)(C) on the cost of operation and maintenance
5 and the existing regulating and storage capacity of
6 the All American Canal and its Coachella Branch. If
7 the works result in any added operation and mainte-
8 nance costs which exceed the benefits derived from
9 increasing the regulating and storage capacity of the
10 canals to the Imperial Irrigation District or the
11 Coachella Valley Water District, the Indian Water
12 Authority and the local entities shall reimburse the
13 agency which experiences such additional costs on an
14 annual basis pursuant to the Secretary’s determina-
15 tion.

16 “(3) OBLIGATION TO MAINTAIN CONSERVATION
17 PROVIDED BY WORKS.—The right to 16,000 acre-
18 feet of water per year obtained by the construction
19 of the works described in subsection (a)(1)(C), al-
20 though perpetual in nature, is subject to the works
21 described in subsection (a)(1)(C) being maintained
22 so as to continue to conserve 16,000 acre-feet of
23 water per year as compared to the situation that ex-
24 isted prior to the construction of those works. The
25 Secretary shall determine the amount of water so

1 conserved by said works on an ongoing basis, and
2 shall allow said water to be delivered to the Indian
3 Water Authority and the local entities only to the
4 extent that said water has actually been so con-
5 served by said works.”.

6 (c) LIMITATION ON FUNDS.—Section 203(e)(1) of
7 such Act is amended to read as follows:

8 “(1) Except as provided in section 106(d), no
9 Federal funds may be used for construction of the
10 works described in subsection (a)(1).”.

11 (d) BENEFICIAL USE IN CALIFORNIA.—Section
12 204(b) of such Act is amended to read as follows:

13 “(b) BENEFICIAL USE IN CALIFORNIA.—

14 “(1) The water identified in subsection (a)
15 (other than that provided pursuant to section
16 106(a)) shall be made available, subject to the ap-
17 proval requirement established in section 203(c)(3),
18 for consumptive use by California Contractors within
19 their service areas according to their priorities under
20 the Seven Party Agreement.

21 “(2) If the water made available under para-
22 graph (1) is used during the term of the funding
23 agreements by a California Contractor other than a
24 Participating Contractor, or a Participating Con-
25 tractor in an amount in excess of its proportionate

1 share as measured by the amount of its contributed
2 funds in relation to the total contributed funds, such
3 contractor shall reimburse the Participating Con-
4 tractors in an amount equal to the sum of—

5 “(A) the annualized amounts of their re-
6 spective contributions which funded the con-
7 servation of water so used;

8 “(B) any added costs of operation and
9 maintenance as determined in section 203(b);
10 and

11 “(C) related mitigation costs under section
12 203(a)(2).

13 “(3) Reimbursements made pursuant to para-
14 graph (3) shall be based on the costs each Partici-
15 pating Contractor incurs in contributing funds, its
16 total contribution, and the life of the works.”.

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